

AO 149
(6/88)

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
Appeal Information Sheet

✓ United States District Court for the District of Massachusetts
 _____ United States Court of International Trade
 _____ United States Claims Court

Type of case: Declaratory Judgment to establish ownership of patents

Plaintiff(s) L.Y. Valys LLC, et al Defendant(s) Michelle B. Brino, et al

(List all parties. Use asterisk to indicate dismissed or withdrawn parties. Use separate sheet if needed. Explain any discrepancy with caption used on judgment, order or opinion.)

Docket No. 04-11076 Date of Judgment or Order 1/11/05

Cross or related appeal? _____ Date of Notice of Appeal 2/9/05

Appellant is: ☒ Plaintiff ☐ Defendant ☐ Other (explain) _____

FEES: Court of Appeals Docket Fee Paid? ☒ Yes ☐ No
U.S. Appeal? ☐ Yes ☐ No
In forma pauperis? ☐ Granted ☐ Denied
☐ Revoked ☐ Pending ☐ Never requested

COUNSEL

(List name, firm, address and telephone of lead counsel for each party. Indicate party represented. Use separate sheet if necessary.)

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COURT REPORTER (Name and telephone):

Isabel Jara 614-737-4410

IMPORTANT: Attach copy of opinion or order appealed from. Forward together with copy of notice of appeal and certified docket entries.

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FILED
UNITED STATES DISTRICT COURT IN CLERKS OFFICE
FOR THE DISTRICT OF MASSACHUSETTS

LG. PHILIPS LCD., CO. LTD,)
Plaintiff,)
v.)
MICHELE B. BOVIO)
&)
ROBERT C. FRAME,)
Defendants.)

2005 FEB -9 P 2:34

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 04-11076-RCL

FILED FEE PAID: 6/98
RECEIPT # 255.00
AMOUNT \$ 255.00
BY DPTY CLK 2/19/05

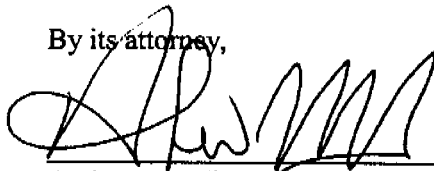
NOTICE OF APPEAL

Notice is hereby given that Plaintiff LG.Philips LCD, Co. Ltd., hereby appeals to the United States Court of Appeals for the Federal Circuit from the final judgment of this Court entered in this matter on January 11, 2005, and all orders and rulings merged therein, dismissing this action against Defendants Michele Bovio and Robert Frame.

Dated: February 9, 2004

LG. PHILIPS LCD., CO. LTD,

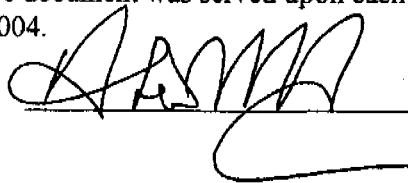
By its attorney,



Andrew M. Higgins, BBO # 233800
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon each party by first class mail, postage pre-paid, on February 9, 2004.



DOCKETED

33

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

L.G. PHILIPS LCD., CO.

v.

CIVIL ACTION NO. 04-11076-RCL

MICHELE BOVIO, ET AL

JUDGMENT OF DISMISSAL

LINDSAY, D.J.

In accordance with the Court's Order of January 10, 2005 allowing the motion to dismiss of the defendants, Judgment is hereby entered as follows: Judgment for the defendants, Michele Bovio and Robert Frame dismissing this action.

January 11, 2005

/s/ Lisa M. Hourihan

Deputy Clerk

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APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11076-RCL**

L.G. Philips LCD., Co. LTD v. Bovio et al
Assigned to: Judge Reginald C. Lindsay
Cause: 35:145 Patent Infringement

Date Filed: 05/24/2004
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

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Date Filed	#	Docket Text
05/24/2004	<u>1</u>	COMPLAINT for Declaratory Judgment of Properly Recorded Inventorship Filing fee: \$ 150, receipt number 55159, filed by L.G. Philips LCD., Co. LTD. (Stanhope, Don) Additional attachment(s) added on 6/1/2004 (Stanhope, Don). (Entered: 05/26/2004)
05/24/2004	<u>2</u>	Summons Issued as to Michele B. Bovio, Robert C. Frame. (Stanhope, Don) (Entered: 05/26/2004)
05/24/2004	<u>2</u>	CORPORATE DISCLOSURE STATEMENT by L.G. Philips LCD., Co. LTD. (Stanhope, Don) (Entered: 05/26/2004)
05/26/2004	<u>3</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Stanhope, Don) (Entered: 05/26/2004)
06/18/2004	<u>3</u>	SUMMONS Returned Executed Robert C. Frame served on 6/3/2004, answer due 6/23/2004. (Stanhope, Don) (Entered: 06/22/2004)
07/02/2004	<u>4</u>	Request for Entry of Default of Robert C. Frame. (Stanhope, Don) (Entered: 07/06/2004)
07/08/2004	<u>5</u>	Summons Reissued as to Michele B. Bovio, Robert C. Frame. (Stanhope, Don) (Entered: 07/08/2004)
07/09/2004	<u>5</u>	First AMENDED COMPLAINT for Declaratory Judgment of Properly Recorded Inventorship. against Michele B. Bovio, Robert C. Frame , filed by L.G.

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		Philips LCD., Co. LTD.(Stanhope, Don) (Entered: 07/09/2004)
07/13/2004	● <u>6</u>	SUMMONS Returned Executed Robert C. Frame served on 7/2/2004, answer due 7/22/2004. (Stanhope, Don) (Entered: 07/14/2004)
07/13/2004	● <u>7</u>	MOTION for Leave to Appear Pro Hac Vice by Anthony C. Roth by L.G. Philips LCD., Co. LTD. (Abaid, Kim) (Entered: 07/20/2004)
07/13/2004	● <u>8</u>	AFFIDAVIT in Support re <u>7</u> MOTION for Leave to Appear Pro Hac Vice by Anthony C. Roth. (Abaid, Kim) (Entered: 07/20/2004)
07/20/2004	●	Filing fee: \$ 50.00, receipt number 57399 regarding Motion for Pro Hac Vice (Abaid, Kim) (Entered: 07/20/2004)
07/22/2004	● <u>9</u>	NOTICE of Appearance by Andria V. Coletta, Edward D. Shoulkin on behalf of Robert C. Frame. c/s. (Bell, Marie) (Entered: 07/23/2004)
07/22/2004	● <u>10</u>	MOTION to Dismiss for Lack of Jurisdiction by Robert C. Frame.(Bell, Marie) (Entered: 07/23/2004)
07/22/2004	● <u>11</u>	MEMORANDUM in Support re <u>10</u> MOTION to Dismiss for Lack of Jurisdiction filed by Robert C. Frame. (Bell, Marie) (Entered: 07/23/2004)
07/22/2004	● <u>12</u>	AFFIDAVIT of Michael L. Resch in Support re <u>10</u> MOTION to Dismiss for Lack of Jurisdiction . (Bell, Marie) (Entered: 07/23/2004)
08/02/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>7</u> Motion for Leave to Appear Pro Hac Vice Added Anthony C. Roth for L.G. Philips LCD., Co. LTD (Stanhope, Don) (Entered: 08/02/2004)
08/05/2004	● <u>13</u>	MEMORANDUM of LAW in Support of LPL'S Opposition to <u>10</u> Defendant Frame's MOTION to

		Dismiss for Lack of Subject Matter Jurisdiction filed by L.G. Philips LCD., Co. LTD. (Stanhope, Don) (Entered: 08/06/2004)
08/05/2004	● <u>14</u>	DECLARATION of Anthony C. Roth in Support of LPL'S <u>13</u> Memorandum in Opposition to Defendant's Motion to Dismiss by L.G. Philips LCD., Co. LTD. (Attachments: # <u>1</u> Exhibit A-G NOT SCANNED) (Stanhope, Don) (Entered: 08/06/2004)
08/13/2004	● <u>15</u>	MOTION of Defendant Robert C. Frame for Leave to File a Reply Brief in Support of his FRCP 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction. by Robert C. Frame.(Stanhope, Don) (Entered: 08/16/2004)
08/20/2004	● <u>16</u>	MOTION to Appear Pro Hac Vice for Teresa M. Corbin, Esq. and Glenn W. Rhodes, Esq. and Christopher A. Mathews, Esq. and Brian S. Kim, Esq. and Michael L. Resch, Esq. and Heather H. Fan, Esq. by Robert C. Frame. (Attachments: # <u>1</u> Exhibit A-F NOT SCANNED)(Stanhope, Don) (Entered: 08/23/2004)
08/23/2004	● <u>17</u>	DECLARATION Regarding Service of Summons and Complaint on Defendant Michele B. Bovio. by L.G. Philips LCD., Co. LTD. (Attachments: # <u>1</u> Exhibit A NOT SCANNED)(Stanhope, Don) (Entered: 08/25/2004)
08/25/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>16</u> Motion for Leave to Appear Pro Hac Vice Added Teresa M. Corbin for Robert C. Frame, Glenn W. Rhodes for Robert C. Frame, Christopher A. Mathews for Robert C. Frame, Brian S. Kim for Robert C. Frame, Michael L. Resch for Robert C. Frame, Heather H. Fan for Robert C. Frame (Stanhope, Don) (Entered: 08/25/2004)
08/27/2004	● <u>18</u>	MOTION for Leave to File Opposition to Defendant

		Frame's Motion to File Reply. by L.G. Philips LCD., Co. LTD.(Stanhope, Don) (Entered: 08/30/2004)
08/27/2004	● <u>24</u>	Plaintiff's Opposition to <u>15</u> Defendant Frame's MOTION for Leave to File Reply Brief in Support of His Motion to Dismiss for Lack Subject Matter Jurisdiction. filed by L.G. Philips LCD., Co. LTD. (Stanhope, Don) (Entered: 09/14/2004)
08/30/2004	● <u>19</u>	MOTION to Dismiss for Lack of Jurisdiction by Michele B. Bovio.(Stanhope, Don) (Entered: 09/01/2004)
08/30/2004	● <u>20</u>	MEMORANDUM OF LAW in Support of <u>19</u> MOTION to Dismiss for Lack of Jurisdiction filed by Michele B. Bovio. (Stanhope, Don) Additional attachment(s) added on 9/1/2004 (Stanhope, Don). (Entered: 09/01/2004)
09/03/2004	● <u>21</u>	NOTICE of Change of Address by Michele B. Bovio, Robert C. Frame (Stanhope, Don) (Entered: 09/08/2004)
09/13/2004	● <u>22</u>	MEMORANDUM of Law in Support of LPL's Opposition to <u>19</u> Defendant Bovio's MOTION to Dismiss for Lack of Jurisdiction filed by L.G. Philips LCD., Co. LTD. (Stanhope, Don) (Entered: 09/14/2004)
09/13/2004	● <u>23</u>	DECLARATION of Anthony C. Roth in Support of LPL's Opposition to <u>19</u> Defendant Bovio's MOTION to Dismiss for Lack of Jurisdiction by L.G. Philips LCD., Co. LTD. (Attachments: # <u>1</u> Exhibit 1-38 NOT SCANNED)(Stanhope, Don) (Entered: 09/14/2004)
09/14/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>18</u> Motion for Leave to File Opposition to Defendant Frame's Motion to File Reply (Hourihan, Lisa) (Entered: 09/14/2004)
09/20/2004	● <u>25</u>	SUMMONS Returned Executed on Service Abroad in

		Compliance with the Hague Convention Michele B. Bovio served on 9/8/2004, answer due 9/28/2004. (Stanhope, Don) (Entered: 09/21/2004)
09/23/2004	● <u>26</u>	Defendant Michele B. Bovio's MOTION for Leave to File a Reply Memorandum of Law in Support of His Motion to Dismiss for Lack of Personal Jurisdiction by Michele B. Bovio. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Stanhope, Don) (Entered: 09/24/2004)
10/07/2004	● <u>27</u>	Opposition to Bovio's <u>26</u> MOTION for Leave to File a Reply in Support of Motion to Dismiss for Lack of Personal Jurisdiction. filed by L.G. Philips LCD., Co. LTD. (Stanhope, Don) (Entered: 10/12/2004)
10/07/2004	● <u>28</u>	DECLARATION of Martha J. Hopkins in Support of <u>27</u> Opposition to Motion for Leave to File Reply in Support of his Motion to Dismiss. by L.G. Philips LCD., Co. LTD. (Stanhope, Don) (Entered: 10/12/2004)
10/17/2004	●	Judge Reginald C. Lindsay : electronic ORDER entered granting in part and denying in part <u>15</u> MOTION of Defendant Robert C. Frame for Leave to File a Reply Brief in Support of his FRCP 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction. The reply shall be limited to the issues enumerated as "Fourth," "Sixth," and "Seventh" in the motion. Further, the reply shall not exceed ten, double-spaced pages with customary margins.(Lindsay, Reginald) (Entered: 10/17/2004)
10/22/2004	● <u>29</u>	Defendant Robert C. Frame's REPLY Memorandum of Law in Support of his Motion to Dismiss for Lack of Subject Matter Jurisdiction filed by Robert C. Frame. (Attachments: # <u>1</u> Exhibit A NOT SCANNED) (Stanhope, Don) (Entered: 10/25/2004)
12/01/2004	● <u>30</u>	NOTICE of Hearing on Motion <u>10</u> MOTION to Dismiss for Lack of Jurisdiction, <u>19</u> MOTION to

		Dismiss for Lack of Jurisdiction: Motion Hearing set for 1/10/2005 03:00 PM in Courtroom 11 before Judge Reginald C. Lindsay. (Hourihan, Lisa) (Entered: 12/01/2004)
12/23/2004	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>26</u> Defendant Michele B. Bovio's MOTION for Leave to File a Reply Memorandum of Law in Support of His Motion to Dismiss for Lack of Personal Jurisdiction by Michele B. Bovio. Because this motion contains substantive argument in reply to the plaintiff's opposition to the motion to dismiss, the court will treat the present motion as Bovio's reply and the plaintiff's opposition to the present motion as the plaintiff's sur-reply. (Lindsay, Reginald) (Entered: 12/23/2004)
01/10/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>10</u> MOTION to Dismiss for Lack of Subject Matter Jurisdiction by Robert C. Frame. For reasons stated on the record at the hearing, the plaintiff has not shown that an actual controversy exists. In particular, the plaintiff has not shown that defendant Frame has a concrete financial interest in the patents at issue or the underlying technology, such as would give him standing to sue the plaintiff under 35 U.S.C. sec. 256. Moreover, Frame has stated through his counsel, by letter to the plaintiff's counsel and in open court, that he will not sue the plaintiff to correct inventorship under sec. 256. (RCL, law2) (Entered: 01/10/2005)
01/10/2005	●	Judge Reginald C. Lindsay : Electronic ORDER entered finding as moot <u>19</u> MOTION to Dismiss for Lack of Personal Jurisdiction by Michele B. Bovio. The reasons for this ruling were stated at the hearing. Specifically, in light of Bovio's representation, through counsel, in open court that he will not sue the plaintiff to correct inventorship of the technology at issue in this case under 35 U.S.C. sec. 256, the court lacks

		subject matter jurisdiction over the claim against Bovio for the same reasons it lacks subject matter jurisdiction over the claim against co-defendant Frame. Therefore, the court need not reach Bovio's assertion that personal jurisdiction is lacking. (RCL, law2) (Entered: 01/10/2005)
01/10/2005	●	ElectronicClerk's Notes for proceedings held before Judge Reginald C. Lindsay : Motion Hearing held on 1/10/2005 re <u>10</u> MOTION to Dismiss for Lack of Subject Matter Jurisdiction by Robert C. Frame; <u>19</u> MOTION to Dismiss for Lack of Personal Jurisdiction by Michele B. Bovio. The judge granted <u>10</u> MOTION to Dismiss for Lack of Subject Matter Jurisdiction by Robert C. Frame; and found as moot <u>19</u> MOTION to Dismiss for Lack of Personal Jurisdiction by Michele B. Bovio. The reasons for these rulings were stated on the record at the hearing. (RCL, law2) (Entered: 01/10/2005)
01/11/2005	● <u>31</u>	Judge Reginald C. Lindsay : ORDER entered. JUDGMENT in favor of defendants against plaintiff (Hourihan, Lisa) (Entered: 01/11/2005)
01/19/2005	● <u>32</u>	TRANSCRIPT of Motions Hearing held on January 10, 2005 before Judge Lindsay. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 01/19/2005)
02/09/2005	● <u>33</u>	NOTICE OF APPEAL to the United States Court of Appeals for the Federal Circuit. by L.G. Philips LCD., Co. LTD. \$ 255, receipt number 61981 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm

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		MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/1/2005. (Stanhope, Don) (Entered: 02/14/2005)
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